

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 338 OF 2002

ALONGWITH

WRIT PETITION NO. 889 OF 2002

Union of India and ors. Petitioners

versus

V.P.Bhoraskar ... Respondent.

Mr. V.S. Masurkar with D.A.Dube i/b. S.S. Sarkar for
the petitioners.

Shri G.K.Masand with Ms. Rita Singh for the Respondent.

**CORAM; V.G. PALSHIKAR &
V.R. KINGAONKAR, JJ.**

DATED; 27TH MARCH, 2006.

P.C:

1. By these petitions the petitioner Union of India has challenged the order passed by the Central Administrative Tribunal.

2. The only issue involved before the Tribunal and now before us was whether the notification or order issued by the State and made effective from a particular date becomes effective only from that date or can be made retrospectively operational. According to the learned counsel appearing for the Union of India, the question is covered by the judgment of the Supreme Court in

3. We have scrutinised the orders impugned in this petition and it appears from those orders that the tribunal on each occasion has relied on an earlier judgment of the tribunal without giving particulars or finding as to the issue involved in this case for the purpose of this case. In our opinion, therefore interest of justice would be made if the impugned order is set aside and the matter be remitted back to the tribunal for deciding afresh in accordance with the law as far as possible within three months from the date of this order. Both the petitions accordingly are disposed of.

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